

REMARKS

Claims 1-6 are pending in this application. Claim 4 has been amended to correct a typographical error. No new matter has been entered.

In the most recent office action, the Examiner has rejected claims 1-3 and 4-6 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,533,175 to Herzig et al. in view of Hardesty et al. (U.S. Pat. No. 5,504,315.)

The Examiner has stated that Herzig lacks the teaching of identifying a type of barcode data present and that Hardesty teaches a method and system of verifying barcode data and that one of ordinary skill in the art would have readily recognized that identifying the type of barcode data present would have been beneficial for ensuring that the barcode is properly read on a first effort as opposed to having to read the barcode several different times to achieve a proper read, thereby conserving time and energy required to accurately decode the information encoded in the barcode. The Examiner concludes by stating that it would have been obvious, at the time the invention was made, to modify the teachings of Herzig with the aforementioned teaching of Hardesty,

The Applicants respectfully disagree with the Examiner's characterization of the prior art and the Examiner's application of this combination of prior art to Applicant's claims 1-6. In order to establish the obviousness of a claim, the Examiner must show that all of the claim limitations are taught or suggested by the prior art. M.P.E.P. 2143.03. As mentioned in Applicants' prior reply dated 26 October 2005, there are limitations in Applicants' independent

claims 1 and 4 (and by dependency claims 2-3 and 5-6) which are not taught or suggested by Herzig or Hardesty.

First, Herzig is limited to a barcode verification system that does not suggest or teach Applicant's claimed subject matter. Specifically, the Examiner has stated that Herzig includes in columns 6, lines 65-67 and column 7, lines 1-3, "a measurer for obtaining measurements of bars and spaces of said barcode data. This section states "as described above, one of the tests performed by the self-checking module is Size Check test which involves determining if the UPC barcode 10 (FIG. 1) has been scaled down to less than 80% or up to more than 200%. The Size Check test may be implemented as illustrated by the following pseudo code." The Size Check is further explained in Column 5, lines 5-12, as part of a number of predetermined criteria against which the barcode (as defined or modified by the designer) is tested and flagged as an error or as a caution (as indicated below) by the self-checking module include the following: (1) overall reduction of the UPC barcode to below 80% magnification of nominal dimensions is flagged as a failure;"

Other criteria in lines 13-28 of column 5 include the "(2) enlargement of the UPC barcode to over 200% magnification of nominal dimensions is flagged as a failure; (3) alteration of the barcode in terms of color used for the bars is flagged as a caution to test again; (4) output resolution which is less than the minimum required resolution is flagged as a caution; (5) truncation of the barcode by more than .+-.2 millimeters is flagged as a failure; (6) inadequately sized quiet zones are flagged as a failure; (7) an altered aspect ratio is flagged as a caution; (8)

truncated or clipped human readable characters are flagged as a failure; (9) the minimum allowable cylindrical package diameter is noted for the barcode's actual size; and (10) skew checking is flagged as a caution.”

In column 5, lines 1-4, the cited reference states “the self-checking module comprises code for performing the following operations: (1) testing the defined barcode against predetermined criteria; (2) creating a data dictionary which will hold results of the test; (3) storing the test results in the dictionary; (4) executing procedures to graphically display the results in checklist form regardless of the location, rotation or scale of the checklist.

Nowhere in either of the above referenced descriptions do the Herzig inventors suggest or teach the limitation of “a measurer for obtaining measurements of bars and spaces of said barcode data.”

The Examiner has also stated that the checklists 100 and 111 in Herzig describe a verifier for verifying said barcode data (which includes the bars and spaces found within the subject barcode) in column 10, lines 59-67 and column 11, lines 1-3.

This paragraph states “[r]eference is next made to FIGS. 1 to 9, which show exemplary barcodes and checklists generated according to the present invention. Applying the self-check test to the barcode 10 shown in FIG. 1 results in the generation of the checklist 100 shown in FIG. 2. As shown, the checklist 100 includes a header 101, a self-check test result column 102, and an information 103 column. The self-check test column 102 includes fields 104 for the self-check criteria described above and comprises a field 104a for "Magnification", a field 104b for

"Skew", a field 104c for "H/W Ratio", a field 104d for "Quiet Zones", a field 104e for "Bar Heights", a field 104f for "HR Digits", a field 104g for "Bar Color Altered", a field 104h for "RIP Output Resolution", and a field 104i for "Min Pkg Diam (picket)". The information column 103 comprises a series of fields 105 for providing additional information and includes a field 105a for "Barcode Number", a field 105b for "Regd Manufacturer Name", a first field 105c for "Product Desc 1", a second field 105d for "Product Desc 2", and the other fields 105e to 105i as shown." Missing in this description is a verification of the bar code data including the bars and spaces found within the subject bar code so Herzig would be incapable as described of performing applicant's claimed subject matter.

Similarly, the Examiner has also stated that Herzig describes in column 4, lines 58-67, a database for retrieving, receiving and storing information related to said verification of barcode data. This description also does not include measurements of bars and spaces found in an individual barcode. Lastly, nowhere in either of the above referenced descriptions do the Herzig inventors suggest or teach the limitation of "a measurer for obtaining measurements of bars and spaces of said barcode data." As such, the present claimed subject matter is clearly distinguished from any combination of Hardesty and Herzig and both independent claims 1 and 4, as well as claims 2-3 and 5-6 by dependency, previously rejected under 35 U.S.C. § 103(a), are patentable and an allowance is respectfully solicited.

Applicants believe they have responded to all of the concerns raised by the Examiner. Reconsideration of the rejection under 35 U.S.C. § 103(a) is hereby requested. If Examiner has

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any questions about the present response, a telephone interview is also requested. A Petition for Extension of Time is submitted in duplicate along with the appropriate fee. The Director is hereby authorized to charge any fees under 37 CFR 1.17 which may be required by this paper to Deposit Account No. 50-3526. No additional fees are due.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Amendments to the Claims:

Please amend the claims as follows:

1. (previously presented) A method of verifying barcode data, comprising the steps of:

receiving a previously created digital file;

detecting a presence of barcode data in said digital file;

obtaining measurements of bars and spaces of said barcode data;

identifying a type of barcode data present in said file;

decoding said barcode data using a predetermined algorithm used for the type of barcode data;

verifying said barcode data using a result of the decoding step; and

outputting the results of the verification.
2. (original) The method of claim 1, further comprising creating and storing meta data relating to said barcode data.
3. (original) The method of claim 1, further comprising retrieving, receiving and storing aspects of the barcode data as well as related data into a database.

4. (currently amended) A system for verifying barcode data, comprising:

a receiver for receiving a previously created digital file;

1. a detector for detecting a presence of barcode data in [[a]] said digital file;

a measurer for obtaining measurements of bars and spaces of said barcode data;

an identifier for identifying a type of barcode data present in said file;

a decoder for decoding said barcode data using a predetermined algorithm;

a verifier for verifying said barcode data; and

a communicator to output results of the verification.

5. (original) The system of claim 4, further comprising a meta data creator for creating and storing meta data relating to said barcode data.

6. (original) The system of claim 4, further comprising a database for retrieving, receiving and storing information related to said verification of barcode data.